

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Kerlisa Parker,

Plaintiff,

vs.

Smith Rouchon & Associates Inc., a
Mississippi corporation,

Defendant.

Case No.:

COMPLAINT

JURY TRIAL DEMAND

NOW COMES THE PLAINTIFF, KERLISA PARKER, BY AND
THROUGH COUNSEL, CHAD HAMMOND, and for her Complaint against the
Defendant, pleads as follows:

JURISDICTION

1. This court has jurisdiction under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.

VENUE

2. The transactions and occurrences which give rise to this action occurred in the City of Houston, Harris County, Texas.
3. Venue is proper in the Southern District of Texas.

PARTIES

4. Plaintiff is a natural person residing in the City of Houston, Harris County, Texas.
5. The Defendant to this lawsuit Smith Rouchon & Associates Inc, which is a Mississippi corporation that conducts business in the State of Texas.

GENERAL ALLEGATIONS

6. Defendant is attempting to collect a consumer type debt allegedly owed by Plaintiff to Lakeland Radiologist PA in the amount of \$72.00 (“the alleged Debt”).
7. Plaintiff disputes the alleged Debt.
8. On September 29, 2019, Plaintiff obtained her Equifax credit disclosure and noticed Defendant reporting the alleged Debt.
9. On or about October 15, 2019, Plaintiff sent Defendant a letter disputing the alleged Debt.
10. On or about December 12, 2019, Plaintiff obtained her Equifax credit disclosure which showed that Defendant failed or refused to flag the account reflected by the alleged Debt as disputed, in violation of the FDCPA.
11. In the credit reporting industry, data furnishers, such as the Defendant, communicate electronically with the credit bureaus.

12. Defendant had more than ample time to instruct Equifax to flag its trade line as Disputed.

13. Defendant's inaction to have its trade line on Plaintiff's credit reports flagged as disputed was either negligent or willful.

14. Plaintiff suffered pecuniary and emotional damages as a result of Defendant's actions. Her credit report continues to be damaged due to the Defendant's failure to properly report the associated trade line.

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

15. Plaintiff reincorporates the preceding allegations by reference.

16. At all relevant times, Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

17. Plaintiff is a "consumer" for purposes of the FDCPA, and the account at issue in this case is a consumer debt.

18. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).

19. Defendant's foregoing acts in attempting to collect this alleged debt violated 15 U.S.C. §1692e(8) by communicating to any person credit information,

which is known to be false or should be known to be false, including failure to report a disputed debt as disputed.

20. As direct and proximate cause of the Defendant's failure to flag its tradeline as disputed, Plaintiff has suffered economic, emotional, general, and statutory damages as a result of these violations of the FDCPA.

WHEREFORE, PLAINTIFF PRAYS that this court grant her a judgment against Defendant for actual damages, costs, interest, and attorneys' fees.

DEMAND FOR JUDGMENT RELIEF

Accordingly, Plaintiff requests that the Court grant her the following relief against the Defendant:

- a. Actual damages;
- b. Statutory damages; and
- c. Statutory costs and attorneys' fees.

JURY DEMAND

Plaintiff hereby demands a trial by Jury.

DATED: February 28, 2020

By: /s/ Chad Hammond

Chad Hammond

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